

ASSEMBLY BILL

No. 35

Introduced by Assembly Member Hagman
(Principal coauthor: Senator Huff)

May 28, 2009

An act relating to the Chino Valley Unified School District, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 35, as introduced, Hagman. Chino Valley Unified School District: minimum schoolday.

(1) Existing law requires the minimum schoolday in grades 1, 2, and 3 to be 230 minutes, except if double sessions are required due to the lack of school facilities, in which case the minimum schoolday in those grades is 200 minutes. The minimum schoolday in grades 4 to 8, inclusive, is 240 minutes, except in opportunity schools, classes, or programs. Existing law authorizes an alternative manner of computing the minimum schoolday involving the averaging of the number of minutes of attendance over any 10 consecutive days, and if certain conditions are met when using the alternative computation, compliance with the minimum schoolday requirement is deemed to have occurred.

This bill would authorize the Chino Valley Unified School District to apply the alternative minimum schoolday computation for grades 1, 2, and 3 to grades 4 to 8, inclusive.

(2) The California Constitution provides that a special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to unique circumstances applicable only to the Emery Unified School District, a general statute cannot be made applicable and a special statute is necessary.

(3) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. For purposes of computing the minimum
2 schoolday pursuant to Section 46114 of the Education Code, for
3 the 2008–09 school year for pupils enrolled in grades 4 to 8,
4 inclusive, in the Chino Valley Unified School District, if the
5 quotient resulting from the computation specified in subdivision
6 (b) of Section 46114 of the Education Code is 230 or more, the
7 pupils shall be deemed to have complied with Section 46112 of
8 the Education Code, even if the number of minutes attended in
9 any one schoolday is less than 230, but not less than 170 provided
10 that the school district operates the Dickson Elementary School
11 and the Rolling Ridge Elementary School for two additional
12 schooldays in either the 2008–09 or 2009–10 school year.

13 SEC. 2. The Legislature finds and declares that a special law
14 is necessary and that a general law cannot be made applicable
15 within the meaning of Section 16 of Article IV of the California
16 Constitution because of the unique circumstances of the Emery
17 Unified School District.

18 SEC. 3. This act addresses the fiscal emergency declared by
19 the Governor by proclamation on December 19, 2008, pursuant
20 to subdivision (f) of Section 10 of Article IV of the California
21 Constitution.

22 SEC. 4. This act is an urgency statute necessary for the
23 immediate preservation of the public peace, health, or safety within
24 the meaning of Article IV of the Constitution and shall go into
25 immediate effect. The facts constituting the necessity are:

- 1 In order to resolve the matter involving the minimum schoolday
- 2 for grades 4 to 8, inclusive, in the Chino Valley Unified School
- 3 District and avoid serious economic hardship for the school district,
- 4 it is necessary that this act take effect immediately.

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